

PATENT

Attorney Docket No: HTEC 003/01US

Express Mail Label Number: EV 316 173 815 US
Date of Deposit: September 25, 2003Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-145003945 U.S. PTO
10/672071
09/25/03

UTILITY PATENT APPLICATION TRANSMITTAL

Transmitted herewith for filing is a U.S. Non-Provisional Utility Patent Application
entitled:

APPARATUS AND METHOD FOR DETERMINING A RESPIRATORY QUOTIENT

naming as inventors: James R. Mault, Edwin M. Pearce, Thomas E. Kilbourn, and
Geoffrey G. Moyer

and including:

- ☒ (32) pages of description (before the claims);
- ☒ (7) pages of claims ((34) total claims; (7) independent claims);
- ☒ One (1) Sheet of Abstract;
- ☒ (4) sheets of drawing(s) including Figures 1-4.

1. Also enclosed are:

- ☐ executed Declaration
- ☐ Application Data Sheet
- ☐ Assignment and Assignment Recordation Cover Sheet
- ☐ Power to Prosecute
- ☐ Assertion of Entitlement to Small Entity Status
- ☐ Information Disclosure Statement
- ☐ Preliminary Amendment
- ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
- ☐ Nucleotide and/or Amino Acid Sequence Submission
- ☐ Computer Readable Form (CRF) on 3 1/2" floppy disk
- ☐ Specification Sequence Listing on:
 - ☐ CD-ROM or CD-R (2 copies); or
 - ☐ paper
- ☐ The content of the copy in computer readable form is identical to the content of the paper, CD-ROM, or CD-R copy of the Sequence Listing.
- ☒ Nonpublication Request and Certification
- ☐ Check No. ___ in the amount of \$___ for the total fee as calculated below
- ☒ Return receipt postcard
- ☐ Other:

EV316173815US

2. ☐ Please amend the specification by inserting before the first heading the following paragraph:

This application claims priority under 35 U.S.C. §§119 and/or 365 to ___ filed in ___ on ___, the entire content of which is hereby incorporated by reference.

A certified copy of the priority application ☐ is enclosed ☐ will follow.

3. ☐ Please amend the specification by inserting before the first heading the following paragraph:

This application claims priority under 35 U.S.C. §119(e) to U.S. Provisional Application No. ___, filed ___, the entire content of which is hereby incorporated by reference.

4. ☐ Please amend the specification by inserting before the first heading the following paragraph:

This application is a ___ of and claims priority under 35 U.S.C. §120 of U.S. Patent Application No. ___, filed ___, the entire contents of which are hereby incorporated by reference.

5. The filing fee has been calculated as follows ☐ and in accordance with the enclosed preliminary amendment:

	NO. OF CLAIMS		EXTRA CLAIMS	RATE	FEE
Basic Application Fee					\$750.00
Total Claims	34	- 20 =	14	x \$18.00	252.00
Independent Claims	7	- 3 =	4	x \$84.00	336.00
If multiple dependent claims are presented, add \$280.00					
Total Application Fee					1338.00
If an Assertion of Entitlement to Small Entity Status is enclosed, subtract 50% of Total Application Fee					(669.00)
Other fees: (specify)					
TOTAL FEE DUE					\$669.00

- ☒ **This application is being filed without a filing fee. Issuance of a Notice to File Missing Parts of Application is respectfully requested.**

- ☐ A check for the total fee is attached.
- ☐ Please charge \$___ to Deposit Account No. 03-3117 for the total fee. This paper is being submitted in duplicate.
- ☒ The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 03-3117.
6. Please direct all correspondence concerning this application to:

Cooley Godward LLP
ATTN: Patent Group
Five Palo Alto Square
3000 El Camino Real
Palo Alto, CA 94306-2155
Tel: (650) 843-5000
Fax: (650) 857-0663

CUSTOMER NUMBER: **23419**

Respectfully submitted,
COOLEY GODWARD LLP

Dated: September 25, 2003

By:



Cliff Z. Liu
Reg. No. 50,834

Cooley Godward LLP
ATTN: Patent Group
Five Palo Alto Square
3000 El Camino Real
Palo Alto, CA 94306-2155
Tel: (650) 843-5000
Fax: (650) 857-0663

Express Mail Label Number: **EV 316 173 815 US**

Date of Deposit: **September 25, 2003**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of **James R. Mault et al.**

Serial No.: Not yet assigned

Examiner: Not yet assigned

Filed: Herewith

Art Unit: Not yet assigned

For: **APPARATUS AND METHOD FOR DETERMINING A RESPIRATORY
QUOTIENT**

**Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450**

NONPUBLICATION REQUEST – 37 C.F.R. §1.213

I hereby certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing.


I hereby request that the attached application not be published under 35 U.S.C. §122(b).

Dated: **September 25, 2003**

Respectfully submitted,
COOLEY GODWARD LLP

Cooley Godward LLP
ATTN: Patent Group
Five Palo Alto Square
3000 El Camino Real
Palo Alto, CA 94306-2155
Tel: (650) 843-5000
Fax: (650) 857-0663

By:



Cliff Z. Liu
Reg. No. 50,834